

REMARKS

The above amendments and following remarks are submitted within the 60 day priority period under 37 C.F.R. 1.116 in response to the final official action of the Examiner mailed February 23, 2006. Having addressed all objections and grounds of rejection claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of these amendment and reconsideration to that end is respectfully requested.

Claims 1-20 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Were this not a final rejection, Applicants would respectfully traverse this rejection, as the supporting material is found throughout Applicants' disclosure and specifically described in Fig. 14, message #2, for example. Nevertheless, because claims 1-20 are currently on final rejection, and Applicants wish to narrow the issues for appeal, the material associated with this rejection have been removed from independent claims 1, 6, 11, and 16.

Claims 1-4, 6-8, 11-14, and 16-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,275,939, issued to Garrison (hereinafter referred to as "Garrison") in view of the article entitled "Access Control in Federated Systems" by De Capitani di Vimercati et al (hereinafter referred to as "De Capitani di Vimercati") and further in view of

U.S. Patent No. 6,282,175, issued to Steele et al (hereinafter referred to as "Steele"). This rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness in accordance with the requirements of MPEP 2143.

To make a *prima facie* case of obviousness, MPEP 2143 requires the Examiner to provide evidence and argument showing: 1) motivation to make the alleged combination; 2) reasonable likelihood of success of the alleged combination; and 3) all claimed elements within the alleged combination. The Examiner has failed to make any of these three required showings. Therefore, because the Examiner has not made a *prima facie* case of obviousness, Applicants need not and indeed cannot offer appropriate evidence and argument in rebuttal.

In previous responses, Applicants have presented substantial evidence and arguments regarding the failure of the Examiner to meet his burden under MPEP 2143 to establish a *prima facie* case of obviousness. In response thereto, the Examiner has provided three positions associated with the motivation to combine Garrison with De Capitani di Vimercati. The first of these simply alleges that the references are in the same field of endeavor. The Examiner is well aware of that this is inadequate to meet the requirements of MPEP 2143.

In his second position, the Examiner states:

.....whereby the user identifier need not be transmitted on a publicly accessible digital communication network (i.e. global authentication), since (sic) the alternative would be to impose local authentication..... (emphasis added)

This statement is absolutely inconsistent with Garrison, which teaches encryption of the identifier at column 3, lines 3-8. Therefore, the Examiner's statement is deemed clearly erroneous.

In his final argument, the Examiner states:

....since (sic) without such a mechanism all objects would necessarily have the same level of access.

Again, this statement is clearly erroneous on its face. Garrison is only one of the references within the present record which provide multiple "levels" of access without the "mechanism" of De Capitani di Vimercati for changing access levels.

As a result, the Examiner has again failed to show motivation as based upon legally irrelevant and clearly erroneous findings of fact.

The Examiner similarly fails in his attempt to show the motivation for the further combination of Steele. He states in part:

....since (sic) upon receipt of the service request the request can be satisfied merely by executing the corresponding predefined command language script (see Steele et al, col. 7, lines 35-56), without the necessity to first translate the request into a valid SQL command and then submit the SQL command to the database (as is the case in Garrison, col. 8, lines 9-19).

It is absolutely baffling why the Examiner would consider this to show motivation. There is no allegation that the approach of Steele is superior or would provide any additional benefits. The Examiner again has failed to show motivation.

The Examiner has not made any new showing of reasonable likelihood of success, perhaps relying upon his former statements on the matter. The record contains the Examiner's previous finding of reasonable likelihood of success which provides in part:

As stated in the previous Office action, in the field of computer programming, success is assured in the incorporation of a feature into a piece of software.
(Emphasis added)

This statement is clearly erroneous, because it does not account for differences in hardware, software, and system architectures. Most simply, when one purchases a software package, the labeling typically lists "system requirements". In other words, that software package cannot be run on a given system unless it comports with those "system requirements". For more complex "real time" applications, differences in hardware, software, and system architectures become critical.

It seems most convenient to address the requirement of MPEP 2143 to show all claim elements within the alleged combination by direct referral to each of the claims.

Specifically, claim 1 requires:

an administration module located within said data base management system for permitting a manager having authority to access said administration module to associate a particular security level which each of said plurality of service requests

The Examiner ignores the claimed limitations and instead states:

"The federated administrator specifies global authorizations to access the federated data [and t]he local administrator specifies authorizations to access the local objects".

Clearly, the Examiner ignores the claimed element of "an administration module" which is a "thing" and prefers to discuss the actions taken by "people" (i.e., federated administrator and local administrator). Because De Capitani di Vimercati does not explain how the discussed people perform these tasks, it is clear that the claimed "administration module" is not (and need not be) present in the prior art.

Furthermore, the claimed invention requires the claimed "administration module" to "associate a particular security level which each of said plurality of service requests". The security profile may be associated with "function" rather than just specific "data". That is radically different from controlling "access" to data as found in De Capitani di Vimercati. For example in Applicants' invention, a particular site can be authorized to read certain data but be unauthorized to modify that same data. According to De Capitani di Vimercati, if access is granted, a user can both read and modify data, whereas if

access is not granted, the user can neither read nor modify that data.

Therefore, the rejection of claim 1, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as required by MPEP 2143.

Claim 6 is an independent apparatus claim. The third claimed element reads:

an administration module located within said data base management system which may be utilized by a manager having authority to access said administration module to assign a particular security level to each of said plurality of service requests;

The alleged combination does not meet this limitation as explained above, because the alleged combination does not contain "an administration module", and the alleged combination controls access to data rather than the claimed use of "service requests". Therefore, the rejection of claim 6, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make a *prima facie* case of obviousness as specified by MPEP 2143.

Claim 11 is an independent method claim having seven steps. The fifth step requires "requesting said first identifier from said user terminal". Not only is this step not found in the alleged combination, the Examiner completely ignores the limitation. He does not even mention the existence of the

limitation even though it has been of record since at least August 4, 2005. Therefore, the rejection of claim 11, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make a *prima facie* case of obviousness as specified by MPEP 2143.

Claim 16 is an independent apparatus claim having means-plus-function limitations. Claim 16 contains the element, "providing means located within said offering means for providing an authorized manager to assign a particular security level to each of said data processing services". As explained above, this element is not found in the alleged combination. Therefore, the rejection of claim 16, and all claims depending therefrom, is respectfully traversed for failure of the Examiner to make a *prima facie* case of obviousness as specified by MPEP 2143.

In his rejection of claims 2 and 13, the Examiner states:

Regarding claims 2 and 13, De Capitani di Vimercati et al. additionally teaches a data processing environment wherein a security profile is generated by said data management system. (Emphasis added)

This finding is clearly erroneous and specifically contradicted by the Examiner. He states:

"The federated administrator specifies global authorizations to access the federated data [and t]he local administrator specifies authorizations to access the local objects". (emphasis added)

Thus, the Examiner states that when the "federated administrator specifies" or the "local administrator specifies", that this is

the same as the claimed generated by said data management system. This finding is clearly erroneous. The rejection of claims 2 and 13, and any claim depending therefrom, is respectfully traversed as based upon clearly erroneous findings of fact and failure to comply with MPEP 2143.

Claims 3, 8, 12, and 18 require a particular service request to include a site-specific user-id. In Applicants' claimed invention, the site-specific user-id must be transferred with the service request to impart greater granularity of security profiling. A given user may be authorized to make certain service request but not others. In general, most users will not be authorized to make all service requests. This is not found in the alleged combination. The rejection of claims 2, 8, 12, and 18 is respectfully traversed as based upon clearly erroneous findings of fact.

Claims 4, 14, and 17 depend from claims 3, 13, and 16, respectfully, and further limit the publicly accessible digital data communication network. As such they each present new and unique combinations not found in the prior art of record. The rejection of claims 4, 14, and 17 is respectfully traversed.

Claim 7 depends from claim 6 and is further limited by "wherein said terminal accesses said data base by transferring said service request to said data base management system". Misquoting Applicants' claimed invention by stating "data entity"

rather than the claimed "data base", the Examiner cites Garrison column 6, line 60, through column 7, lines 32, and column 7, line 50, through column 8, line 37. Neither of these citations has even mentions a "service request". Though the term, "service request", has standard usage in the art, a working definition is provided by Applicants at page 25, lines 11-16, as:

The service request itself is utilized by Cool ICE service handler 156 to retrieve a previously stored sequence of data base management system command statements from repository 166. Thus, in the general case, a single service request will result in the execution of a number of ordered data base management system commands. The exact sequence of these commands is defined by the service request developer as explained in more detail below.

The rejection of claim 7 is respectfully traversed as based upon clearly erroneous findings of fact.

Claims 5, 9, 10, 15, 19, and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Garrison in view of De Capitani di Vimercati in view of Steele and further in view of "UNISYS CSG MarketPlace - The Mapper System" (hereinafter referred to as "UNISYS"). This ground of rejection is respectfully traversed for failure of the Examiner to present a *prima facie* case of obviousness as required by MPEP 2143.

None of Garrison, De Capitani di Vimercati, nor Steele mentions a "data base management system". Therefore, it makes no sense to allege that one of skill in the art would be motivated to combine the teachings of UNISYS to provide a particular data

base management system. Lacking motivation, it is extremely apparent that there is no reasonable likelihood of success of the alleged combination without the teachings of Applicants. The rejection of claims 5, 9, 10, 15, 19, and 20 is respectfully traversed for failure of the Examiner to make a *prima facie* case of obviousness.

There is certainly no indication that there is any reasonable likelihood of success of the alleged combination. In fact, the record specifically shows that such a combination would not be operable (see Specification at page 3, lines 12-13).

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Please charge any deficiencies or credit any overpayment to Deposit Account No. 14-0620.

Respectfully submitted,

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